IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2624 OF 2004

Ramchandra Durbali Yadav alias (Ahir)..Petitioner

Versus

1.Slum Rehabilitation Authority & Ors..Respondents

Mr. Abhay Pandey i/b. Mr.M.P. Vashi for the Petitioner

Mr. Sachin Pathak i/b. Uttangale & Cio., for the Respondent No.1.

Mr. A.Y. Bookwalla i/b. J.S. Kini for Respondent No.6

Mr. S.G. Surana, for Respondent No.11.

Mr. Pradeep Jadhav, A.G.P. for Respondent Nos. 2, 3, 9 and 10.

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.

DATED : 28th March, 2005

P.C.

. In para.5 of the petition the petitioner has averred that the Respondent No.4 purchased an area admeasuring 1200 sq. yards from one Dhanwantrai Mulshankar Bhatt and similarly Respondent No.5 Vishnu Narayan Borker and Madhukar Narayan Borkar also purchased land. In para.21 of the petition it is contended that the petitioner is entitled to claim ownership of the property by adverse possession. The Petitioner claims right pursuant to a Deed of Adoption by Mrs. Ramraji Ramnath (Ahir) Yadav. The area was notified as slum way back in the year 1976. The petitioner

challenged the said notification. The challenge has been rejected. The respondent Nos. 4 and 5 have now come forward to develop the said property under S.R.A. Scheme.

2. The contention of the petitioner is that he had put up constructions and is recovering rent from the occupants. The provisions of the Act would indicate that it is the occupants who are entitled to the benefits of the S.R.A. Scheme and not the person who is receiving the rent from the said occupants. Considering the above in our opinion this would not be a fit case for this Court to exercise its extra ordinary jurisdiction. Hence, no interference called for.

Writ Petition rejected.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)